United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

31st PLENARY MEETING

Friday, 15 October 1993
at 10 a.m.

NEW YORK

President: Mr. INSANALLY
(Guyana)

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 8 (*continued*)

ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: FOURTH REPORT OF THE GENERAL COMMITTEE (A/48/250/Add.3)

The PRESIDENT: I draw the attention of representatives to the fourth report of the General Committee (A/48/250/Add.3), concerning a request for the inclusion of an additional item submitted by Egypt as well as a request for the inclusion of an additional item submitted by the Secretary-General.

In paragraph 1 (*a*) of the report, the General Committee recommends the inclusion in the agenda of the current session of an additional item entitled "Building a peaceful and better world through sport".

May I take it that the General Assembly decides to include in its agenda an additional item entitled "Building a peaceful and better world through sport"?

It was so decided.

The PRESIDENT: In paragraph 1 (*b*) of the report, the General Committee also recommends to the Assembly that this item should be considered directly in plenary meeting.

May I take it that the General Assembly adopts this recommendation?

It was so decided.

The PRESIDENT: Next, I should like to draw the attention of representatives to paragraph 2 (*a*) of the report. The General Committee recommends the inclusion in the agenda of the current session of an additional item entitled "Personnel questions".

May I take it that the General Assembly decides to include in its agenda the additional item entitled "Personnel questions"?

It was so decided.

The PRESIDENT: In paragraph 2 (*b*) of the report, the General Committee also recommends to the Assembly that the item be allocated to the Fifth Committee.

May I take it that the General Assembly adopts that recommendation?

It was so decided.

The PRESIDENT: The Chairman of the Fifth Committee will be informed of the decision just taken.

AGENDA ITEM 13

REPORT OF THE INTERNATIONAL COURT OF JUSTICE (A/48/4)

The PRESIDENT: The Assembly will now turn to the report of the International Court of Justice covering the

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93-86897 (E)

Distr. GENERAL

A/48/PV.31
8 November 1993

ENGLISH

period 1 August 1992 to 31 July 1993; this report is contained in document A/48/4.

May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The PRESIDENT: I call on Sir Robert Yewdall Jennings, President of the International Court of Justice, to address the Assembly.

Sir Robert YEWDALL JENNINGS (President of the International Court of Justice): The International Court of Justice continues to have a full docket of cases: there are at present 11 cases at various stages of the procedure. Recent additions to the list are the case between Hungary and Slovakia over the Danube dams; and the request from the World Health Organization for an advisory opinion concerning the use of nuclear weapons - the only advisory-opinion request in the docket at present.

Twice during this last year the Court has had to deal with complicated and lengthy requests for interim measures of protection in the case brought by Bosnia and Herzegovina against Yugoslavia (Serbia and Montenegro) concerning the Genocide Convention. Such requests for interim measures, according to the Court's rules, "have priority over all other cases". These two separate requests were such requests, and the Court dealt with them immediately and with dispatch: the first was handled in some three weeks, and the second in only a little longer time - that period including in both instances time for an oral hearing in which both parties were heard and for the study of several lengthy written observations.

Particulars of the Court's decisions and also of the cases in its docket are given, as members of the General Assembly will know, not only in the Court's own report but also in chapter II, section A of the 1993 report of the Secretary-General on the work of the organization (A/48/1).

I can now add that on 14 June final judgment was given, by 14 votes to 1, in the important case between Denmark and Norway - a further case arising from a unilateral application by Denmark, basing jurisdiction on the "optional clause" of Article 36 of the Court's Statute - concerning the maritime boundary between the east coast of Greenland and the Norwegian island of Jan Mayen. There have been indications that the Court's judgment in that case is perceived by both parties as a satisfactory final settlement of a dispute which protracted negotiations had failed to settle.

One case, between Nauru and Australia, in which a jurisdictional phase was decided last year, was last month the subject of a carefully drawn settlement out of court, resulting in the withdrawal of the case from the Court's list. It will be remembered that last year I was able to report that the Great Belt case between Finland and Denmark had been settled, indeed almost on the eve of the scheduled oral proceedings, in negotiations which had been suggested and encouraged by the Court itself.

There is another case on the Court's list in which negotiations are active, the Court having been asked by both Parties to grant a delay in the procedures to enable the negotiations to continue in order to see whether it might be possible to reach a settlement.

I mention these settled cases, and the case still the subject of ongoing negotiations, because they illustrate a new role for the Court, unimagined by earlier commentators on the adjudication process in international matters. In all these instances of settlement, or attempted settlement, by negotiations after the time when the Court has been seized of a case, some part of the procedures of the Court, such as written pleadings, or indeed a hearing and decision in a preliminary phase, such as jurisdiction or interim measures, had been completed. Thus, it was the intervention of some part of the procedures before the Court which apparently not only made further negotiations in this new context possible but made it possible for them to succeed.

In this way, the Court procedure is beginning to be seen as a resort to be employed in a closer relationship with normal diplomatic negotiation. No longer is resort to the International Court of Justice seen, to use the traditional phrase, as a "last resort" when all negotiation has finally failed. Rather, it is sometimes now to be seen as a recourse that might usefully be employed at an earlier stage of the dispute. I suppose a foretaste of this development was the 1969 North Sea Continental Shelf cases, where the Court, by deciding a legal question that had been a sticking-point, enabled normal negotiations to start again and to resolve the matter in a way acceptable to all parties concerned. This tendency to use the Court, acting under its contentious jurisdiction, as a partner in preventive diplomacy rather than as a last-resort alternative is after all only to conform to the place that courts enjoy in any developed domestic system of law.

The perception of the International Court of Justice as a normal, rather than as an extraordinary, part of international relations may perhaps also be reflected in the fact that the number of declarations of acceptance of the Court's jurisdiction under paragraph 2 of Article 36 - the optional clause - of the Court's Statute is still on a slow but continual upward trend. The total of such acceptances is now 57 out of the 184 Member States. There have also been several additions to the list of treaties with jurisdiction clauses.

It is an interesting development, the significance of which I do not attempt to comment upon here, that the increased busyness of the Court is still the result almost entirely of cases brought under the contentious jurisdiction and that States show more eagerness to use the Court than do those international organizations entitled to ask for advisory opinions.

Whilst speaking of decisions in contentious cases, I should like to say something about the notion one sometimes hears that contentious proceedings before the full International Court of Justice take rather a long time. It is true that the period between the application and the judgment is usually one to be measured in years rather than months. But, in almost all cases, the greater part of that time is taken up by the parties themselves in the preparation and study of two or sometimes three rounds of elaborate written pleadings, followed by oral proceedings in which the parties usually expect to be allowed to talk for typically three or four weeks. So the time actually taken by the Court for deliberation and drafting of a judgment is relatively short. I am not suggesting that the parties necessarily take too long over the preparation of written pleadings and the provision of documentation. The cases we get are very important cases and Governments naturally wish to take time over the preparations leading towards a decision that will be final and is without appeal. It is perhaps also relevant here to mention the fact that the Court's standing Chamber of Summary Procedure has never been employed even though it has remained continuously in being.

To give some idea of the dimensions of some of the cases, let me instance the one which is now in the hands of the Court for decision: the very important territorial dispute Chad/Libyan Arab Jamahiriya, brought to the Court by the Agreement of 31 August 1990. The written pleadings in that case amount to some 30 stout volumes of argument and documentation, and the phase of written pleadings was then followed by five weeks of oral hearings. The documentation is remarkable, for the case involves long periods of colonial history in Africa and both parties have been able to use the relevant British, French and Italian archives. Quite apart from the need for the Judges to read and study this vast if also fascinating array of material, almost every word of it, of course, had to be translated into the other language of the Court. The time-consuming nature of this exercise is evident, and certainly the Court has been working recently under very great pressure.

All these things considered, one is justified in saying that the Court itself really works remarkably quickly, and the time taken will be found in any event, I believe, to compare favourably with other superior courts of both domestic and international jurisdiction.

All of the cases at present on the list are cases brought before the full Court. The Court has, however, found time to establish a Chamber for Environmental Matters, in the belief that some litigants might prefer a Chamber composed of Judges who have expressed a special interest in such matters. It may be useful, however, to make it clear that the establishment of this Chamber for Environmental Matters is in no way intended to suggest that cases involving environmental matters should go to that Chamber, or any other Chamber, rather than the full Court. The jurisdiction of the full Court obviously comprehends environmental matters, as indeed it comprehends any other question of international law. Furthermore, to take a contentious-jurisdiction case to a Chamber will normally require agreement of the parties to do so, whereas the full Court might have jurisdiction, whether under paragraph 2 of Article 36 of the Statute or under some treaty-jurisdiction clause, in a case brought by unilateral application. And, naturally, it would be the normal course to address any request for an advisory opinion to the full Court.

I like to think that the new busyness of the International Court of Justice is at least in part connected with a more realistic appreciation of the place and function of a court of justice in a society governed by the rule of law. Traditionally, the writers and commentators used to put before us what they conceived of as an ideal situation in which all disputes would be submitted for settlement to a court. I think there is now much more appreciation that some disputes require political decisions by a political body. Such a body will of course work within the framework of the law, but the reasons for the decision will be political rather than legal. This, of course, is the scheme of the United Nations Charter, and the fact that that scheme is now being put into operation in a way that has not until recently been practicable helps us to see the Court - the principal judicial organ of the United Nations -

in a new and altogether more realistic context. People are much more likely to resort to the Court if they have a clear idea of what it can and should do, and what it cannot do.

It is here that I should like to express the pleasure and gratitude of all members of the Court for the terms in which the use of the Court is recommended in the resolution of the General Assembly on the report of the Secretary-General on the work of the Organization. It is most encouraging to see the use of the Court thus supported clearly in the general context of "An Agenda for Peace" and as a component of the scheme of preventive diplomacy.

I cannot leave this theme of the role of the International Court of Justice without a mention of today's tendency to proliferate other and specialized courts and tribunals. We may soon have three in The Hague alone: the International Court of Justice, the Permanent Court of Arbitration, and the new international criminal court for crimes committed in the former Yugoslavia. The relationship of these tribunals to each other and to each other's jurisdiction, and their respective contributions to the directions taken by the development of international law by the resulting case law from their decisions, raise interesting and difficult questions which might at some time have to be addressed. There is only one thought I wish to leave with the members of the General Assembly on this occasion: there can be only one "principal judicial organ of the United Nations", as there is normally only one supreme court of any legally ordered community; and that position of the International Court of Justice ought always to be remembered and strenuously protected.

This is probably my last appearance before the General Assembly as President of the Court. I want to thank the Secretary-General and to thank you, Mr. President, and the members of the General Assembly for their immensely valuable support to the Court and to its work. This has been of very great importance to the Court in this time of expansion of its work and of the addressing of the difficult problems of staffing and premises brought about by that very expansion.

Mr. HAAKONSEN (Denmark): So far there has been no tradition for opening a debate on the annual report of the International Court of Justice. The reasons may be twofold: for many years, there were very few cases, if any, to report on; and as the Court is the highest judicial organ of the world community, it may not have seemed appropriate for the General Assembly to pronounce any opinion on the disputes decided with binding effect once and for all by the Court. However, times have changed. States appear nowadays to be more ready to submit their disputes, including politically sensitive ones, to the Court in order to obtain a final and legally binding settlement of the matter. This trend is clearly shown in the Court's report (A/48/4), now before the General Assembly. In addition, the Court's role in furthering the international legal order may be commented upon without interfering with the Court's exclusive competence.

As can be seen from this year's report, the Court is gradually fulfilling its role as the principal judicial organ of the United Nations. The steadily increasing number of cases brought before it bears witness to this fact. This is particularly satisfying when seen in the context of the United Nations Decade of International Law (1990-1999), during which special attention will be given to the role of the Court both in settling inter-State disputes and as an instrument of preventive diplomacy through its advisory functions. Through the jurisprudence of the Court, the rule of law is gaining further ground within the international community of States, and that is exactly one of the main objectives of the Decade - and beyond.

It should always be kept in mind that bringing a dispute before the Court can never be regarded as an unfriendly act. If diplomacy and negotiations cannot bring about a solution to a long-standing contentious issue between States, the Court in The Hague has proven itself capable of handling its many cases in a flexible and efficient manner. In this respect, it is to be welcomed that the Court has now established a seven-member standing Chamber for Environmental Matters. This topic is indeed one of the high-priority items on the international agenda. Denmark can testify to the Court's ability in so far as the Danish Government has been involved in two cases before the Court within the last five years: the *Jan Mayen* case and the *Great Belt* case. In both cases, the Court has served justice in accordance with the high expectations placed on it by the parties. Thus I can confirm what was expressed just now by the President of the Court.

A particular aspect relating to the *Great Belt* case is worth highlighting, namely the role of the Court in maintaining the option of reaching a negotiated settlement. In deciding a preliminary question concerning provisional measures, the Court indicated at the same time that a negotiated settlement would be welcomed. That indication proved helpful in reaching an out-of-court settlement. Though out-of-court, the settlement was still reached under the Court's auspices. The President of the Court expressed this view in the following way when introducing the annual report of the International Court of Justice (A/47/4) during last year's session of the General Assembly:

> "Whenever the Court or its procedures can help in this way, the Court is, in an important sense, still productively at work." *(A/47/PV.43, p. 11)*

The question may be raised as to whether the Court ought to be empowered to play a more active role in offering its assistance to the parties, as appropriate, with a view to keeping the door open for reaching a negotiated settlement - because whenever there is agreement between the parties, there is also equity.

The Court has shown that it is prepared to deal with all sorts of cases. It is now up to States to show their willingness to accept the compulsory jurisdiction of the Court. One hundred eighty-six States are parties to the Statute of the Court, but only 57 have recognized its compulsory jurisdiction, and among those is only one permanent member of the Security Council. We hope that Member States will pay due attention to these facts as they are set out in paragraphs 16 and 17 of the report.

It is the hope of my Government that in the years to come this agenda item may be seen by Member States as an opportunity to comment upon the role and functioning of the world Court in furthering an effective international legal order. Settlement of disputes through peaceful means, including the use of the International Court of Justice, should become a normal and acceptable feature in daily international life, as is the case in all national societies governed by the rule of law.

Mr. ROWE (Australia): The Australian delegation wishes to thank the distinguished President of the International Court of Justice for his excellent report and enlightening statement. The role of the Court, as the principal judicial organ of the United Nations, is today more important than ever, as so much more is expected of the United Nations in maintaining international peace and security.

The United Nations Decade of International Law, now in its second biennium, provides an appropriate context for States to reassess in a positive way their approach to acceptance of the jurisdiction of the International Court of Justice, with a view to promoting the Court as a means for the peaceful settlement of international disputes.

In his report "An Agenda for Peace" (A/47/277), the Secretary-General has expressed the view that greater reliance on the Court could contribute significantly to preventive diplomacy. This view was amplified only last week by the President of the Court, when he reminded us in his address to the Sixth Committee that the International Court of Justice is an integral component of the United Nations system aimed at the maintenance of international peace and security.

The Secretary-General has called upon all Member States to accept the general jurisdiction of the Court before the end of the Decade of International Law. Where unconditional acceptance of general jurisdiction of the Court is not considered possible, the Secretary-General has suggested that States might agree to a comprehensive list of those matters in which the Court's jurisdiction is accepted and might provide for submission of disputes to the Court in the dispute settlement clauses of multilateral treaties.

Australia supports the views expressed by the Secretary-General. The International Court of Justice has been under-utilized for much of its existence, though there has recently been an encouraging trend towards more frequent recourse to the Court, as the President mentioned in his statement this morning. To date, however, fewer than 60 States have accepted its compulsory jurisdiction. One of the best ways to promote the use of the Court as an effective dispute-resolution mechanism is for Member States to make the individual decision, under Article 36 of the Statute, to accept its compulsory jurisdiction. The fiftieth session of the General Assembly, which will coincide with the fiftieth anniversary of the Court, might provide a timely occasion for the recording of progress on movement towards acceptance of the Court's jurisdiction.

We note that in "An Agenda for Peace" and more recently in his report on the work of the Organization (A/48/1), the Secretary-General has recommended that he be authorized to take advantage of the advisory competence of the Court. Commenting on this issue in his recent publication, *Cooperating for Peace*, the Australian Minister for Foreign Affairs, Senator Gareth Evans, wrote:

> "The Court has been wary of efforts by the UN's political organs to tempt it to render advisory opinions on contentious cases without the consent of the parties. That said, the ICJ has been influential both in dispute and conflict resolution and in assisting the activities of other actors in the international security community, and could become a more valuable adjunct for the Secretary-General in extending the range of responses available in problem situations." *(Cooperating for Peace: The Global Agenda for the 1990s and Beyond, p. 27)*

We know there is still some ongoing resistance to the Secretary-General's proposal, but not, we understand, from

the Court. It is time to give serious consideration to the proposal and to determine the modalities under which such authorization could be granted.

In order to allow for greater recourse to the Court as an effective mechanism for dispute resolution, it will be essential that its procedures allow disputes brought before it to be considered as expeditiously and efficiently as possible. The will of Member States to provide for the enhanced effectiveness of the International Court of Justice may in time be expected to contribute constructively to a reduction in the tensions that result from and further aggravate disputes between States. This would require that the Court have the capacity to deal promptly with individual cases.

In his statement to the General Assembly last year, the President of the International Court of Justice noted that a review of its working methods would assist in improving its functioning and thereby promote its use. Such a review would be of particular value against a background where greater adherence to the jurisdiction of the Court is being promoted as a contribution to the preservation of peaceful relations among States and where the Court is being given more prominence as a dispute-settlement mechanism.

Australia favours such a review, which should take into account the promotion of the wider acceptance of the Court's jurisdiction by the year of its fiftieth anniversary. We note that use is being made of chambers, particularly in the recent El Salvador-Honduras case, which is mentioned in the report, and we would welcome further development of this mechanism. The establishment of the trust fund to assist developing countries in bringing cases to the Court has also been a useful innovation. Above all, it is essential that the Court continue to be provided with adequate resources to carry out its growing tasks. We wish it well, and we reiterate Australia's commitment to it and to the cause of international justice.

Mr. TELLO (Mexico) (*interpretation from Spanish*): Mr. President, my delegation had asked to make a statement before the General Assembly took note of the report of the Court. When you assumed the presidency of this session of the Assembly, we pledged to work with you as you discharged your functions. You personally asked me to make my statement after the Assembly had taken note of the report. In response to your request, we agreed to speak afterwards, although we do not fully understand or share the arguments that we have heard, which apparently prevent Member States from speaking at the time they deem most appropriate.

My delegation wishes to place on record its gratitude to Sir Robert Jennings for his comprehensive and lucidly instructive introduction to the report submitted by the International Court of Justice for the General Assembly's consideration.

On the eve of the election of the new members of the Court, my delegation wishes to pay tribute to Manfred Lachs. We are appreciative of Judge Lachs' long career dedicated to the development of international law, both inside and outside the Court, and of the invaluable impartiality and independence of his judgements, not to mention his valuable contributions to the teaching of law. The Sixth Committee was honoured to have Lachs as its Chairman on three occasions.

Mexico is one of the 57 States the report identifies as having made the declaration recognizing the compulsory jurisdiction of the Court, in accordance with paragraphs 2 and 5 of Article 36 of the Statute. We wish to congratulate Hungary, which deposited its declaration on 22 October 1992. Even though judgeships on the Court are not limited to nationals of those States that have made such a declaration, it is no doubt true that when that condition is met the Court's image is strengthened, as is countries' commitment to and confidence in the Court.

My Government deems it desirable for the States that have, within the United Nations system, the greatest responsibility regarding international peace and security to show a greater commitment to the Court. The limited presence of the permanent members of the Security Council and that group of 57 States does not have a positive effect on the Court's work, nor on the necessary balance that must exist between the principal organs of the United Nations. The Court's efficacy and capacity for action would no doubt be strengthened considerably if all the permanent members of the Security Council made such a declaration.

In the light of the terms of paragraph 2 of Article 15 of the Charter, by which the General Assembly must receive and consider the reports of the International Court of Justice, my delegation deems it appropriate to speak on this item. The Mexican delegation considers that the General Assembly must fulfil completely the function assigned it by the Charter, and so we call on Member States to give this important report greater attention.

The Mexican delegation invites the General Assembly to take advantage of the introduction of the report of the Court to take part every year in deep reflection on its work

and on the state of its links and relations with the other organs.

We still believe that the Court's participation in the peaceful settlement of international conflicts deserves to be stepped up. Recourse to the Security Council when the Court's means have not yet been exhausted minimizes the latter's potential to resolve legal problems, which sometimes constitute the crux of potential crises. This view could and should be of special usefulness in strengthening preventive diplomacy.

With that very intention, a number of States, including Mexico, have supported the Secretary-General's suggestion that he be granted the competence to request advisory opinions from the Court, when circumstances warrant and in accordance with the precise modalities of the principles of the Charter and of international law.

My delegation takes special satisfaction in noting the ever-growing number of legal consultants taking part in the consideration of the report of the International Law Commission, owing to the determination a year in advance of the date for dealing with that subject. In the light of that experience and in order to facilitate attendance by the greatest number of interested persons to the introduction of the Court's report, my delegation proposes that the date for receiving and considering the report of that principal organ also be set in advance and that both reports be submitted to the Assembly's consideration within a period of time that allows those persons to be present.

I wish also to mention the Trust Fund established by the Secretary-General to help States settle disputes through the International Court of Justice and to which my country has contributed. In addition to providing the necessary financial support in order for countries facing economic difficulties to be able to have resort to the Court, my delegation would like to invite the members of the Court and the Secretary-General to consider the possibility of utilizing part of that Trust Fund for the development of training programmes for lawyers appearing before the International Court of Justice.

Finally, my delegation cannot fail to mention the fact that in 1995 the Court, too, will celebrate its fiftieth anniversary. We think it would be fitting for the Assembly to invite the judges to reflect on the role that the Court, as the guarantor of international law, is called upon to play in the next century and to share their conclusions with Member States at the next session of the General Assembly.

Mr. KOROMA (Sierra Leone): First of all, may I express the gratitude and appreciation of the Sierra Leone delegation to Sir Robert Jennings, President of the International Court of Justice, for the excellent statement he delivered when introducing the report of the International Court of Justice. My delegation also wishes to convey its sentiments of recognition and esteem to the other judges who are here with us.

This annual pilgrimage, as it were, is an affirmation of the Charter provision that the International Court of Justice is not only the judicial organ but also an inseparable component of the United Nations.

The presence of the Court here is a further reaffirmation of the shared, noble objective of the General Assembly and the International Court of Justice to resolve international disputes in a peaceful manner. Such an objective is not only enshrined in the Charter but is also firmly rooted in the shared goal of maintaining international peace and resolving international disputes through peaceful means. In that connection, and as the Secretary-General has stated in his report on the work of the Organization to the present session of the General Assembly, the incidence of cases of considerable political as well as legal importance under consideration by the Court shows that the Court not only exists to settle questions of law, but is also an integral part of United Nations peace efforts.

The continued role of the Court in this area is to be welcomed for, as stipulated in Article 33 of the Charter,

> "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement ...".

As I have said, we welcome the role of the Court in the peace effort.

Through the report itself and in the President's introductory statement the international community has been made aware of the various methods and facilities that are available through the Court for the peaceful settlement of disputes. The report states that last year alone the Court dealt with a wide range of disputes, including treaty interpretation, territorial maritime disputes and disputes relating to the alleged violation of human rights and international humanitarian law. It is gratifying to note not only that today the vast majority of States have become Parties to the Statute of the Court but also that, thanks to

the role and facilities it continues to offer, the Court has established its universality and more frequent use is being made of it.

Today, attitudes towards the Court have improved and support for its judicial role has continued to grow. Because of the high standards of fairness and impartiality the Court has maintained in the recent past, the attitude of withdrawal once adopted by many, including most developing countries, is largely a thing of the past, and we now realize that the Court can apply international law impartially, that the interests of the weak can be protected and that the principle of equality between States can best be realized through the Court. Today, through its judgments, advisory opinions, orders and interim measures - in some cases, as the circumstances warrant, delivered with dispatch, as the President reminded us a few moments ago - the Court has been contributing not only to the strengthening of the rule of law among nations but also to a more orderly and humane world.

The Sierra Leone delegation would like to encourage the Court to continue to uphold legal norms which are profoundly imbued with the sense of natural justice and morality and which safeguard human rights and humanitarian law. My delegation welcomed the decision of the Court to establish a Chamber for Environmental Matters in view of the developments in the field of environmental law and the developments that have taken place in the last few years, and considering that it should be prepared to the fullest extent possible to deal with any environmental case falling within its jurisdiction. However, my delegation also welcomes the assurance given by the President that the establishment of the Environmental Chamber does not preclude the referral of environmental disputes to the old corpus of the Court.

My delegation reiterates its support for the establishment of the Trust Fund, which should enable more parties to a dispute to take advantage of the facilities provided by the Court.

Finally, the Sierra Leone delegation would like to encourage the spirit of cooperation between the International Court of Justice and the General Assembly, and we welcome the report of the International Court of Justice.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided

AGENDA ITEM 10 *(continued)*

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION (A/48/1)

Mr. AYEWAH (Nigeria): The Nigerian delegation would like to join other delegations that have congratulated the Secretary-General on the lucidity and painstaking manner in which he has drawn up and presented his report.

There is no doubt that this report is, as the Secretary-General has himself admitted, a long one, but he has clearly endeavoured to cover in a bold and imaginative manner all the areas and activities in which the United Nations has been involved during the past year in response to the growing complexity and demands of the international environment.

My delegation has also taken note of the various prescriptions and recommendations by the Secretary-General in the report which are in themselves far reaching and which, if implemented faithfully, would go a long way towards assisting the Organization to achieve the purpose for which it was created.

The United Nations is passing through a crucial phase in the multilateral process of harnessing our collective objectives and aspirations to the common good. It would be a disservice to the entire membership if the United Nations did not endeavour to respond to them, even within the constraints of the limited resources under which it is operating. Fortunately, there is no lack of ideas in the United Nations system. It is therefore our collective responsibility to translate those ideas into concrete objectives which would be of benefit to Member States.

It is significant that the Secretary-General has underscored in his report some of the critical problems confronting the Organization in the areas of peace and security, socio-economic development, the environment and the restructuring of the various organs of the United Nations system. While my delegation would like to commend the Secretary-General for his wisdom and foresight in bringing these issues to the fore, we wish to make the following comments as our contribution to the debate on the subject.

My delegation agrees with the Secretary-General when he posits that without peace there can be no development, and that without development the basis for democracy is tenuous. In this connection, we commend the United Nations for its preoccupation with peace-keeping and peacemaking. We accept that the proliferation of hotbeds

of tensions fuelled by ethnic rivalries, socio-economic disparities, underdevelopment and the emergence of new micro-nationalisms cannot but engage the attention of our Organization. There is an urgent need to streamline the processes such that peace-keeping operations do not become intractable or interminable. Peace is a shared responsibility. Consequently, Member States must retain the necessary political will and ready disposition to contribute their quota to the enabling processes.

It is important also in this regard to take necessary measures to ensure the safety of all personnel involved in peace-keeping operations. My delegation would like to stress that countries which willingly offer to participate in these operations do so as part of their obligations under the Charter and as their contribution to the mitigation of human suffering. It would be tantamount to double jeopardy for such countries to suffer humiliation and abuse in addition to bearing the material costs for assigning their nationals to undertake these United Nations missions. In this connection, prompt and full reimbursement to contributing-troop countries would encourage consistent and even wider participation by Member States in the United Nations peace-keeping operations.

The processes begun under "An Agenda for Peace", which has been a subject of debate in both the General Assembly and the Security Council, should provide additional clarification of the nature and extent of demilitarized zones, pre-emptive deployment and post-conflict peace-building in a manner that respects the sovereignty of all Member States and accepts the merits of prior consultations before such measures are undertaken. In pursuing the purposes of "An Agenda for Peace", it is desirable that the United Nations limit itself to preventive diplomacy, peacemaking and peace-keeping. The issue of post-conflict peace-building involving efforts at putting in place political processes in conflict areas requires caution and additional consideration.

In the wake of the adoption of "An Agenda for Peace", it has become urgent to work for the adoption of an agenda for development. The issue of development is one in which every Member State has a stake and a contribution to make. In view of the widening disparities between the North and the South, the adoption of an agenda for development must undertake as a first step to reactivate the North-South dialogue. Then it should address the issue of trade, official development assistance, the debt crisis and the injection of new financial flows, especially into the economies of the developing countries.

As you are well aware, Africa remains the weakest link in the chain of development. It was in recognition of this fact that Africa's economic crisis was brought to international attention in 1986 with the adoption of the United Nations Plan of Action for African Economic Recovery and Development (UNPAAERD). Unfortunately this programme failed to achieve the desired result. The General Assembly then undertook a reassessment of UNPAAERD by adopting its New Agenda for the Development of Africa in the 1990s with measurable objectives. In my delegation's view, this new agenda will suffer the same fate unless a firm determination is made by the international community to deliver on its commitment. Africa invests a lot of expectations in the implementation of this agenda. We would like to call on the Secretary-General to ensure that the United Nations fulfills its part of the process. The United Nations has a responsibility to assist in putting in place feasible strategies that will enable Member States to achieve economic growth and sustainable development.

The Secretariat of the United Nations is an international civil service, and like any bureaucracy there is a compelling need for it to look critically at itself, justify its *raison d'être* and reassess how it proposes to meet the challenges of the future. It is in this connection that we welcome the bold steps the Secretary-General has taken over the past 12 months to restructure the Secretariat with a view to achieving efficiency, minimizing waste and promoting accountability. This is as it should be. However, in the process of carrying out this restructuring, care needs to be taken to ensure that the principles of representativeness and of geographical distribution are maintained, particularly at the management level of the Secretariat. Competence is not the monopoly of any one region. The United Nations must indeed be a system that rewards achievement and punishes inadequate performance.

Aside from the restructuring of the General Assembly which has resulted in the reduction of the number of Main Committees, and the ongoing efforts to streamline their workload and working methods, my delegation believes that the time is opportune to address the issue of the democratization of the Security Council. While my Government has already expressed its views on this subject in this body, and in response to the Secretary-General's requests to Member States, it wishes to state once again that the Security Council can lay claim to legitimacy, moral authority and representativeness only when it is fully democratized. We must put in place at the current session of the General Assembly a process that would ensure that this objective is realized not later than the fiftieth session of the General Assembly. The reform process must not be

piecemeal; it must be global to include all the regions. Anything short of this approach will be tantamount to a denial of access. Such a development would be antithetical to the spirit of the Charter.

The United Nations is what we make of it. From an Organization of which so much is expected, so much must be given. Member States have a responsibility to make the Organization viable. To this end we join with the Secretary-General in urging all Member States to endeavour to pay their assessed contributions so that the work of the Organization is not unduly constrained.

Mr. LAMAMRA (Algeria) *(interpretation from French)*: Algeria fully endorses the support for this Organization and for the efforts of the Secretary-General that was expressed anew by the Permanent Representative of Indonesia on behalf of the Non-Aligned Movement. It also endorses the Movement's observations, suggestions and proposals as part of a consistent effort to contribute to the strengthening of the United Nations while remaining true to the purposes and principles of the Charter.

The international context is changing rapidly, and the Organization's missions are increasing in number, as are its successes and difficulties, giving special importance to the consideration this year of the Secretary-General's report on the work of the Organization.

The three words "peace, development and democracy" sum up very well the great challenges of the day, identified by the Secretary-General, who has stressed their interrelationship. In this context, the Organization's unique position and vital role are rightly reaffirmed and demonstrated.

We are grateful to the Secretary-General for presenting a comprehensive report that deals accurately with the Organization's activities in the many spheres with which it deals. At the same time, the report contains analyses, proposals and projections that will stimulate thought, debate and dialogue.

It is undeniable that the past year has been marked by a considerable extension of the Organization's activities in the area of the maintenance and restoration of peace. Its role in the area of preventive diplomacy and post-conflict peace-building has also been strengthened.

The increase in the number of overtures to the United Nations and in the Organization's presence in the field has gone hand in hand with consideration by the General Assembly and by the Security Council of the relevant aspects of the "Agenda for Peace" and with the initiation of measures, at the organizational and institutional levels, aimed at strengthening the Organization's ability to envisage, plan and conduct peace-keeping operations. We consider it essential that this process be pursued and successfully carried out, using all the lessons learned from experience in the field and taking account of the guidelines and principles defined in the two resolutions adopted by the General Assembly on the subject of the "Agenda for Peace".

Similarly, the progress that has undeniably been made in the area of disarmament, as a result of the ending of the cold war, should be consolidated and expanded in order to remove, once and for all, the spectra of nuclear war and eliminate weapons of mass destruction.

At the same time - as is only right - completion of the process of decolonization continues to be one of the priority tasks of the Organization as it endeavours to fulfil its universal purpose.

The Algerian delegation shares the concern which is frequently expressed by the Secretary-General, and which is demonstrated clearly in his annual report, about the exacerbation of the Organization's financial crisis by the accumulation of considerable arrears. In this regard, assurances that have been given over the past few weeks by several contributors and payments that have been received are encouraging developments. However, the fact remains that the situation of the Organization will continue to be precarious so long as its financial base is weakened as a result of the irregular manner in which Member States honour their obligations, or their delay in doing so.

Another striking feature of the past year is the efforts made by the Secretary-General and by Member States to rationalize the structures of the Secretariat and of intergovernmental bodies. This process has involved the mobilization of a great deal of energy in the economic and social sectors. Of course, much remains to be done to democratize structures and their functioning and to improve communication and transparency. However, there is widespread recognition of what is necessary, at least in so far as the Security Council is concerned, and recognition of the need for the General Assembly to play its full role as defined in the Charter.

It seem to us that the time has come to liberate the Organization's potential for initiative in the area of development, to give new momentum and vigour to United Nations action to establish more just and more equitable international relations. The close bond between peace and

development cannot be overemphasized. This is the central issue in the agenda for development. In addition, the integrated approach to human rights as one of the Organization's new priorities - this approach has been advocated by the Secretary-General - should in our view be a natural extension of the recognition by the Vienna Conference on Human Rights of the right to development. It is important that, henceforth, the efforts of everyone should converge towards full realization of this fundamental right, for the benefit of the peoples of the third world.

At the forty-seventh session of the General Assembly, consideration of the Secretary-General's report on the work of the Organization was combined with a discussion of the report "An Agenda for Peace". This resulted in wide participation and aroused great interest. This year's debate confirms the importance of a thorough and constructive study of the Secretary-General's report. The next report of the Secretary-General will coincide with the submission of the agenda for development, which, we hope, will meet expectations and rise to the challenge. We hope that this, in turn, will lead to the qualitative improvements that are essential for clear expression of the faith of the peoples of the United Nations in the building of peace and in the creation of conditions for the well-being of all.

Mr. ABDELLAH (Tunisia) *(interpretation from French)*: I should like, on behalf of my delegation, to extend warm congratulations to the Secretary-General, Mr. Boutros Boutros-Ghali, on his innovative and substantive report, which, we are sure, will constitute an excellent basis for our continued efforts to strengthen the role of the Organization and increase its efficiency.

Following the statement of the representative of Indonesia, which occupies the presidency of the Non-Aligned Movement, we should like to express our wholehearted support for the position that he set out on our behalf.

We welcome this opportunity to express our satisfaction that the General Assembly is considering such an important report as that of the Secretary-General, in accordance with the spirit and letter of the Charter, which confers upon the General Assembly the power to discuss the activities and future of the Organization.

Consideration of this report will strengthen the role of the General Assembly, especially in the current context, in which, in a spirit of dialogue and understanding, we are striving to revitalize the Assembly's work and strengthen its role under the Charter.

As the Secretary-General stressed in his report, peace, development and democracy are interdependent goals that we all share, to which we are committed and which the international community is capable of achieving on the basis of the vast potential of the Organization, its wealth of experience and its effective capacity to meet the many different challenges to the international community and the well-being of peoples.

The new dynamic approach outlined in "An Agenda for Peace" describes innovative types of peace operations undertaken under the aegis of the Organization. We welcome the fact that immediately after the last session the General Assembly embarked upon an examination of the various suggestions and reached a consensus on them by adopting two resolutions. We would point out that the Security Council also got down to the task of examining various aspects of "An Agenda for Peace", particularly questions of post-conflict economic recovery and reconstruction; the protection and security of personnel assigned to peace-keeping missions; recourse to Chapter VIII of the Charter, which gives a fundamental peace-keeping role to regional arrangements, and the strengthening of preventive diplomacy.

In this regard we would stress once again the importance, as a preventive measure, of the adoption of economic and other measures which do not automatically entail the use of armed force for the purposes of maintaining international peace and security, in accordance with the provisions of Article 41 of the Charter. None the less, we remind the Assembly that, as the Assembly itself said in a resolution (47/120 B) on "An Agenda for Peace", we are concerned that certain States are continuing to encounter economic difficulties because of preventive or enforcement measures applied under Chapter VII of the Charter.

The natural corollary of "An Agenda for Peace" is an agenda for development. We await with great interest the development agenda foreshadowed by the Secretary-General in his report, being convinced, as he is, that human development in all its dimensions, and particularly the social, economic and environmental, must be the focus of the concerns of the Organization and its efforts to promote international cooperation and the establishment of a more united, more just and more stable world.

We are convinced that the Organization must be more effective and play a central role in the establishment of an international order, legally binding, which is more democratic and equitable. The need for further democratization of the decision-making process in the

various organs for more transparency in the functioning of the Security Council is clear. We welcome the process of enlarging the basis of consultation and information in the Council. Any constructive new measure is appreciated. We consider this process as a milestone on the way to consideration of a greater participation of Member States in the work of the Council, thus strengthening its credibility and authority.

With regard to peace-keeping operations we consider that appropriate machinery for regular consultations should be established so that countries which traditionally supply troops, on the one hand, and the Secretary-General, the Security Council and the Military Staff Committee, on the other, could together examine the advisability of, and the means to be used for, launching a successful peace-keeping operation.

Similarly, we wish to stress the need to rationalize the work of the General Assembly. In this regard we welcomed with great interest the adoption of resolution 47/233, and we hope that the working group concerned will come up with useful and relevant proposals on questions such as the examination by the Assembly of reports of the major organs established by the Charter.

Finally, we wish to stress that a revitalized Organization, including its Secretariat, would better guarantee the execution of its mandates in accordance with the priorities assigned to it.

Those are my delegation's preliminary views on the important report on the work of the Organization. Of course, our interest in various aspects mentioned in the document will be no less keen when the various Committees of the Assembly take up the relevant parts.

Mr. CARDENAS (Argentina) *(interpretation from Spanish)*: As the Assembly considers agenda item 10, "Report of the Secretary-General on the work of the Organization" (A/48/1), I shall refer both to that recent report and to the report of the Secretary-General, "An Agenda for Peace" (A/47/277).

It is a little more than a year since the publication of the report of the Secretary-General requested at the Summit meeting of the Security Council on 31 January 1992. That report, "An Agenda for Peace", stimulated a thorough consideration in the General Assembly and other organs of the Organization of its important contents and various proposals.

The informal working group established by the President of the forty-seventh session carried out intense and difficult work, which led to the adoption of two resolutions 47/120 A and 47/120 B, whose texts owe much to the firm, expert leadership of the representative of Egypt, Ambassador Elaraby, and to the dedication of all those who shared in his efforts.

The Security Council also established a working group which met from time to time. The result of its deliberations is reflected in six statements by the Council's President. Subsidiary bodies of the Assembly also have some of the wise proposals in the report under consideration.

The Argentine Republic has already expressed its position on the document (A/47/232) presented by the Rio Group on 28 May 1992, "Guidelines for strengthening the capacity of the United Nations in the area of preventive diplomacy, peacemaking and peace-keeping". That document is still valid.

It would take a long time to carry out a detailed analysis of all the elements in the report of the Secretary-General. I shall therefore confine myself now to drawing attention to three of its ideas.

First, preventive diplomacy and preventive deployment are perhaps, for my delegation, two of the most interesting and important concepts in the report. The subject was considered in the Assembly's unofficial working group, and its preliminary conclusions are reflected in the resolutions.

The Argentine Republic reiterates its determination to work with the United Nations in peace-keeping operations, in keeping with its tradition, and also expressly supports the concept of preventive deployment in peace-keeping operations.

The case of Macedonia, in our opinion, is a perfect example of the effectiveness which can, in theory, be expected from this type of operation. We believe that this item must continue to be considered both by the General Assembly and by the Secretariat, within the framework of peace-keeping operations. We believe that we must begin by implementing, after due adoption, principles and norms similar to those used in other peace-keeping operations.

Secondly, post-conflict peace-building was another of the important subjects considered in "An Agenda for Peace". The international community, over the past few years, has witnessed a large number of armed conflicts,

some of which have been resolved within the framework of United Nations forces. This emphasizes the fact that there is a close relationship between economic development and political stability. We also believe that this concept requires thorough study and should be dealt with by the Secretary-General in his much-anticipated report, "An Agenda for Development".

Thirdly, with respect to the safety of United Nations personnel, Argentina participates, with a significant contingent of troops, in peace-keeping operations. We are therefore very much aware of the importance and urgency of the subject of the safety of personnel functioning in peace-keeping operations. The fatalities this year and the dramatic successes of Somalia and Bosnia and Herzegovina bear dramatic witness to the great seriousness of the problem.

The Secretary-General has clearly drawn attention to this subject in his report. Today, the General Assembly is giving special consideration to this as well. We are pleased that the item has been included on the agenda of the forty-eighth session of the General Assembly and that the Sixth Committee will soon begin consideration of a draft convention on this subject. In this connection, we would like to give special thanks to the delegations of New Zealand and Ukraine for the energy and hard work they put into promoting this item.

Just a few days ago, we took cognizance of the report of the Secretary-General on the work of the Organization (A/48/1). This is a comprehensive document which clearly illustrates the special period that our Organization is going through, as is the entire international system. We appreciate the methodological approach taken in this report. We too believe that the objectives of peace, development and democracy are inextricably linked, and a global reality.

More specifically regarding our Organization, we cannot today be indifferent to the crisis around us. This crisis, in our opinion, could, in spite of its complexity, be viewed as growing pains, and this is evident in two particular areas that are closely interrelated: the financial difficulties of the Organization and the vertiginous increase in the number and functions of peace-keeping operations.

Today, we must not only continue to give thought to these matters, but we must seek concrete solutions to existing problems so as to perfect the machinery for creating, executing and concluding these operations, which we will continue to support. If we fail to do so, this crisis, if allowed to continue, will doubtless undermine the credibility of the Organization, precisely at a time when it is finally being called upon to play the role for which it was originally created.

Mr. BELYEV (Belarus) *(interpretation from Russian)*: The delegation of Belarus would like to express to the Secretary-General its gratitude for his report on the work of the Organization (A/48/1). Not only does it give an appraisal of the current state of the world and information on the wide-ranging activities of the United Nations and its major organs, but it also proposes measures for adapting the Organization to new realities as well as recommendations designed to solve the most important problems.

This report of the Secretary-General is not only the longest over the past few years but it is one which contains many new ideas and recommendations as well as a wealth of material on the multifaceted work of the Organization. One cannot but agree with the Secretary-General when he says that "working for peace provides us with no place of rest" (A/48/1, para. 5) and that without peace there can be no development and there can be no democracy (A/48/1, para. 11). We are therefore satisfied at the fact that the report pays so much attention to questions of preventive diplomacy and the settlement of conflicts.

Concrete steps have been taken to realize the ideas and proposals contained in the report of the Secretary-General entitled "An Agenda for Peace" (A/47/277). There has been a strengthening of the potential of the Secretariat for fact-finding and analysis with a view to meeting the early-warning requirements of the United Nations. Discussion of the recommendations of the informal open-ended working group established by the General Assembly has yielded concrete results, and the Security Council has also come forward with concrete proposals. These important matters are being discussed in other organs of the United Nations as well. There has been further development of new forms of preventive diplomacy, fact-finding missions, good-offices missions and goodwill missions, and the dispatch of special envoys to areas of tension.

Most praiseworthy are the tremendous efforts undertaken by the Secretary-General, Mr. Boutros Boutros-Ghali. He has devoted a great deal of attention to peacemaking, peace-keeping, and peace-building in post-conflict periods. The question has already been raised here about peace-keeping operations and the problems that arise in this connection for the United Nations and its Member States. In our view, the most vigorous measures are needed to enhance the effectiveness

of peace-keeping operations. At the same time, in their planning and execution the current possibilities and resources of the United Nations must be taken into account.

The Belarus delegation wholeheartedly shares the view of the Secretary-General that in the international context, from the standpoint of security, some important events have occurred that have required new methods of settlement and new efforts on the part of the international community. It is precisely in this spirit that we should approach the talks on the drafting of a comprehensive nuclear-test ban treaty and an extension of the non-proliferation Treaty for an indefinite period. Our Republic has made its own concrete contribution to disarmament, and the Secretary-General stresses in his report:

> "I am gratified that Belarus has recently ratified the non-proliferation Treaty ...". (*A/48/1, para. 474*)

and I personally would add "and the strategic arms reduction Treaty".

The delegation of the Republic of Belarus agrees with the view of the Secretary-General that more attention should be devoted to the Economic and Social Council, which has the role of improving economic and social cooperation as an independent objective enshrined in the United Nations Charter and also as a prerequisite for enduring global peace and security.

At the high-level segment of the substantive session of the Economic and Social Council in 1992 in New York, our delegation supported the proposal by the Secretary-General that the Economic and Social Council should submit to the Security Council reports on situations that, in its view, involved a threat to international peace and security. Unfortunately, due attention has not so far been paid to these proposals.

Our delegation notes with satisfaction the active work of the Organization on implementing the decisions of the United Nations Conference on Environment and Development, held from 3 to 14 June 1992 in Rio de Janeiro.

The Belarus delegation has studied with particular attention part B of Chapter II of the Secretary-General's report on the work of the Organization. Our Republic is one of the countries where interim offices of the United Nations Development Programme (UNDP) have been opened. We have repeatedly stated our support for the Secretary-General's efforts to render assistance to countries going through a transitional period and to organize comprehensive provision by the Organization of services in various areas.

The temporary UNDP office in Belarus is performing some important practical tasks, meeting developmental needs and also supporting the process of our society's transition to new forms of organization. It has become an important link in the chain of coordination of the operational activities of the various specialized agencies and programmes within the United Nations system in our country.

Our delegation shares the Secretary-General's profound concern about the unsatisfactory financial situation of our Organization. Given the gravity of this situation, and despite our extremely difficult economic and financial situation, the Government of Belarus has made a contribution in the amount of $3.5 million to the Organization's budget. At the same time, we expect the Organization, in the form of its major organ, the General Assembly, to take measures ensuring that Belarus's financial obligation to the Organization is in strict concordance with its real capacity to pay.

An important event in the life of the United Nations was the World Conference on Human Rights, which made it possible to analyse and take stock of all previous United Nations work in defending and promoting human rights. The Conference also indicated major areas of activity for the future and identified obstacles that hinder further progress in this area. We fully share the Secretary-General's conclusion that it was a turning-point in the Organization's work to promote and defend human rights.

Our delegation took an active part in the preparations for the Vienna Conference and in the Conference itself. We note with satisfaction that, despite initial disagreements, participants in the Conference were able to find a way of coming to agreement, and thus confirmed the universality of fundamental human rights and principles and reaffirmed the status of the human person as the primary subject of human rights. Of decisive importance for ensuring fuller respect for human rights is the coordination and cooperation of all organs of the United Nations and the specialized agencies, regional intergovernmental organizations and national institutions working in the field.

The institutional reform being undertaken in the United Nations, the creation of new machinery for coordinating humanitarian activities and a step-by-step

approach to the concept of transition from emergency assistance to rehabilitation and development are all important steps towards the management of emergency humanitarian situations. Unfortunately, quite a number of these situations have occurred in the Eastern European region. In this regard, the Republic of Belarus supports the expansion of international preventive measures, which involve the United Nations in difficult humanitarian situations, particularly in hot spots, on the basis of the full consent of the parties concerned.

However, I would like to stress our profound concern at the fact that the United Nations has found itself more and more frequently involved on a larger and larger scale, and having to react not only to the humanitarian consequences of natural catastrophes or technological disasters but also to the consequences of ethnic conflicts and political instability. Therefore, the highest priority of our Organization should, in our view, be the prevention of a deterioration of the humanitarian crises in any part of the world today.

In this context, I would also like to touch on the consequences of the Chernobyl catastrophe which occurred more than seven years ago. Our delegation shares the deep feelings of the Secretary-General of the United Nations, who was recently able to visit one of the countries hardest hit by the Chernobyl disaster and see for himself that the consequences of this tragedy are still affecting the everyday life of millions of people. The Republic of Belarus will develop a new approach on the part of the United Nations system to activities in stricken regions, worked out in conjunction with the new United Nations Special Coordinator on Chernobyl, Mr. Jan Eliasson. The approach received widespread support at the coordinating meeting in Minsk this May, and also at the summer meeting of the Economic and Social Council.

I would like to stress that broad international support in dealing with the wide range of problems inherited from Chernobyl, particularly humanitarian problems, could be one of the most crucial guarantees of the strengthening of democracy and economic and other reforms in our country - not to mention the importance of the lessons of Chernobyl for the whole of the international community.

In conclusion, I would like to express our gratitude for this opportunity to make some comments in connection with the discussion of the report of the Secretary-General on the work of the Organization.

Mr. KHARRAZI (Islamic Republic of Iran): My delegation wishes to express our appreciation to the Secretary-General of the Organization and his staff for the report on the work of the Organization. It is not my delegation's intention to touch upon all matters contained in the present report, which includes issues ranging from peace-keeping in different parts of the world to financial problems of the Organization. My delegation will, in due course, expound on different issues contained in the report during the current deliberations of the General Assembly in the plenary as well as in the Main Committees. Rather, I will confine myself to addressing certain areas of the report in general terms which might shed light on the proper functioning of the United Nations in the future.

Let me first emphasize that my delegation is convinced that the United Nations, as the world Organization, can provide the framework for effective cooperation and dialogue among Member States based on the principles enshrined in the Charter. The United Nations has a crucial role to play in maintaining international peace and security and fostering a just and equitable system of international relations. In this regard, the Foreign Minister of the Islamic Republic of Iran, addressing the current session of the General Assembly, emphasized that:

> "A balanced, objective and far-sighted approach to various international political, economic and cultural crises and challenges, based on justice and on the common principles and objectives enshrined in the Charter, is the most fundamental requirement for the restoration and enhancement of the credibility of the Organization, and can also play a significant role in securing long-term stability and trust." (*Official Records of the General Assembly, Forty-eighth session, Plenary Meetings, 14th meeting, p. [71]*).

During the forty-seventh session of the General Assembly, the report of the Secretary-General entitled "An Agenda for Peace" was thoroughly discussed and the members of the Non-Aligned Movement contributed positively during the negotiations and discussions on the report which led to the adoption of resolutions 47/120 and 47/120 B. My delegation maintains that the principles of sovereignty, independence, territorial integrity and non-interference in the internal affairs of States must be respected in the process of implementing the recommendations contained in the resolutions and in the negotiations that may be conducted in the future on the outstanding issues.

It is unfortunate to note that certain countries have interpreted some aspects of "An Agenda for Peace" as increasing the prerogatives of the Security Council at the

expense of the General Assembly. We believe that such connotations should be rejected and that the role of the General Assembly as the supreme organ of the United Nations should be upheld. Article 24 of the Charter clearly states that the Security Council acts on behalf of the Members of the United Nations. Therefore, the Security Council should be accountable to the General Assembly, which is composed of the entire membership. The General Assembly must exercise its powers and functions relevant to the maintenance of international peace and security in accordance with the Charter. Noting the Secretary-General's view that the agenda of the General Assembly is in need of some rationalization, my delegation believes that the revitalization of the work of the General Assembly, including the rationalization of the agenda, should be conducted through an informal open-ended working group, as reflected in resolution 47/233. We are prepared to work in this working group towards that end.

In the wake of the cold war, the Security Council has expanded its activities. As reflected in the Secretary-General's report, during the period from 1 January 1992 to 31 August 1993, the Council held numerous meetings and adopted numerous resolutions and statements. My delegation appreciates the fact that the Security Council has been meeting almost continuously and that it has studied a variety of security threats around the world. Now the question is whether the Security Council - especially its permanent members - has acted resolutely and expeditiously to uphold justice and the principles of the Charter to reverse aggression. Has the Council shown the necessary political will to stop applying double standards?

Unfortunately, the Security Council has been unable to shoulder its responsibilities in dealing with some clear cases of aggression, the most recent of which is the Serbian aggression against the Republic of Bosnia and Herzegovina, a Member of the United Nations. The Security Council should ensure that its role conforms to its mandate as defined in the Charter. Furthermore, the Council should respect the principle of transparency in its work and avoid undemocratic practices and hidden agendas. In this regard, the Islamic Republic of Iran concurs with the Secretary-General's view that:

> "Informal consultations should be punctuated by more formal meetings in order both to inform, and to seek support from, the wider circle of Member States." (*A/48/1, para. 38*)

The current international climate is conducive to working urgently on the issue of reactivating the North-South dialogue to strengthen international economic cooperation for development. During the recent Ministerial Meeting of the Non-Aligned Movement, held in New York on 4 October 1993, the Ministers noted that the persistent recession in the developing countries and continuing economic stagnation in many of them were stifling their development efforts. In our opinion, the United Nations has a central role in promoting international cooperation for development and in bringing development issues to the attention of the international community. In this regard, my delegation appreciates the work of the Secretary-General in the preparation of a report on an agenda for development, as requested in General Assembly resolution 47/181, and looks forward to receiving the preliminary report of the Secretary-General, to be submitted to the current session of the General Assembly, as noted in the Secretary-General's report on the work of the Organization.

To conclude, I wish to refer to the measures taken by the Secretariat to enhance productivity in conference services, as reflected in the Secretary-General's report. My delegation is of the view that the introduction of these measures has caused difficulties for the proper functioning of the work of delegations. Cognizant of the difficult financial situation of the United Nations, my delegation wishes to emphasize the importance of providing full services to Member States in terms of both conference services and distribution of documents.

Mr. MARKER (Pakistan): My delegation would like to express its profound appreciation to the Secretary - General for his report on the work of the Organization contained in document A/48/1.

The Chairman of the Non-Aligned Movement, the Ambassador of Indonesia, and the Chairman of the Group of 77, the Ambassador of Colombia, have already expressed views which largely reflect the substance of my delegation's ideas. The report reflects a deep comprehension of the strong currents of history flowing in these troubled yet interesting times. The report manifests the Secretary-General's vast academic qualifications, his renowned diplomatic experience and skills, and his political courage in standing up in defence of justice, equity and peace. The report brings out the many achievements of the Organization as well as the challenges which require urgent and prompt response. My delegation is particularly impressed by the comprehensive manner in which the report established linkages underlying the need to take a composite approach for the realization of lasting peace around the world.

As the Secretary-General has said, the United Nations has a second chance today to live up to the role envisaged for it under its Charter. The euphoria of yesterday is being tempered by the sobering realities of today. But we must not allow temporary difficulties in implementing the will of the world community to cloud the vision and promise of the United Nations Charter.

The Pakistan delegation is particularly gratified that the Secretary-General has drawn the attention of the world community to the problem of Jammu and Kashmir in paragraph 352 of the report. The suppression of the right of self-determination in Kashmir has led to massive violations of human rights. It also threatens international peace and security, and my delegation deems it entirely appropriate that the issue remains under consideration by the United Nations. In this connection, it may be stated that the United Nations Military Observer Group for India and Pakistan (UNMOGIP) has an essential role to play in ameliorating this grave situation and reducing tension and conflict. UNMOGIP should be enabled fully to carry out its mandate to patrol the line of control on both sides.

Secretary-General Boutros Boutros-Ghali has offered his good offices to India and Pakistan to help in resolving the Kashmir question. Pakistan welcomes this initiative and has conveyed its acceptance of the Secretary-General's offer of good offices.

Mr. ROWE (Australia): We welcome the very comprehensive and focused report (A/48/1) which the Secretary-General has presented on the work of the United Nations over the past 12 months.

The report demonstrates unequivocally that with the changes which have occurred in the world in recent years, the United Nations now has a pivotal and more challenging role to perform than at any other time in its history in establishing world order and in seizing the opportunity to make progress across the range of activities within its mandate as set out in the Charter.

We share the Secretary-General's view that the pattern of the past 12 months displays three realities: the comprehensive nature of the global challenge; the indispensability of the United Nations, and the gap that has been revealed by the fact that the demands of Member States on the Organization are not matched by the resources provided.

The challenges presented by these realities are considerable, not least because of the essentiality of working to achieve a unified and integrated approach to peace, development and democracy.

These changes and these challenges require responses of substance. But in addition to dealing with each substantive issue - whether in the field of peace, arms control, economic development, human rights or the response to non-military threats to security - we are compelled to add to the list of those tasks the need to reform ourselves, to renew our institutions.

The report indicates the Secretary-General's readiness to implement change and records practical steps which have been taken so far, in several areas. We welcome this approach.

However, if the United Nations is to play, with maximum effectiveness, the central role which is now demanded of it, then further change - further reform - in the system really is necessary. Unless the Organization develops a comprehensive capacity to address today's and tomorrow's problems, there is a real risk of its gradually losing, with Governments and peoples around the world, the credibility it needs to survive.

This is particularly so in relation to the role of the United Nations and the international community generally in securing peace in the world of the 1990s and beyond. This particular role is vital because, as the Secretary-General notes, without peace there can be no development and there can be no democracy.

The Secretary-General's invaluable document "An Agenda for Peace" (A/47/277) stimulated a major international debate on this particular role for the Organization. There have been very practical consequences since then in implementing the recommendations in the Agenda, as mentioned in the report on the work of the Organization. But more remains to be done.

In his address to the General Assembly at its 5th plenary meeting, two weeks ago, the Australian Minister for Foreign Affairs, Senator Gareth Evans, presented a study entitled *Cooperating for Peace*, which represented an Australian contribution to the ongoing debate begun by "An Agenda for Peace". In *Cooperating for Peace* Senator Evans identified seven priority areas for change, to give the United Nations that comprehensive capacity to meet the challenges of our times.

The first is to restructure the Secretariat to ensure that the Secretary-General has an effective chain of command

exercising authority over major United Nations operations, and to consolidate and coordinate in a more orderly and manageable way the present range of departments and agencies. We support the proposal that the Secretary-General create a new senior structure at United Nations Headquarters, under which he would have four Deputy Secretaries-General responsible respectively for Peace and Security, Economic and Social Affairs, Humanitarian Affairs, and Administration and Management. Each such Deputy would have full executive responsibility for the operational issues falling within his or her portfolio, subject only to direction by the Secretary-General. This would be a big change, and it is not the first time it has been proposed, but it is the change that, more than anything else in our view, would create the conditions for more orderly and effective management throughout the United Nations system.

The second priority need is to resolve conclusively the critical funding problem of the United Nations. Overwhelmingly, the problem is one that has been created by Member States and is entirely within our ability to resolve by meeting our assessed contributions for regular budgets and peace operations in full and on time. If the bulk of current arrears were to be paid by the end of this year, the United Nations finances would be in a quite healthy position, with the Working Capital Fund, the Peace-keeping Reserve Fund and the Special Account all replenished, and the Organization in a position to meet all outstanding troop-contribution costs.

The third priority is to improve the management of peace operations, both at Headquarters and in the field. Some very significant and useful steps have been taken in this regard and are mentioned in the Secretary-General's report, such as more clearly defining the respective roles of the Department of Peace-keeping Operations and the Department of Political Affairs and incorporating the Field Operations Division into the Department of Peace-keeping Operations. But more remains to be done, including in particular the development over time of a properly constituted general staff to plan and manage the military dimensions of such operations.

The fourth priority is to give special attention to the machinery of preventive diplomacy, again both at Headquarters and in the field. These efforts have been largely ad hoc in the past, although the Department of Political Affairs is gradually building a core of appropriate expertise. Quite apart from anything else, there is an overwhelming cost advantage in doing more to stop disputes becoming armed conflicts. We welcome both the recognition in the report that preventive diplomacy is now becoming understood as a vital field for practical action and the Secretary-General's own involvement in preventive diplomacy. We consider that the most promising approach to upgrading United Nations preventive diplomacy would be one which gave the Organization the capacity to offer a dispute resolution service to its Members, providing skilled third-party assistance through good offices and mediation. We suggest in this respect the creation of a number of regionally located peace and security resource centres to help carry out both preventive diplomacy and peacemaking functions closer to the area where problems arise. We also suggest there be a substantial upgrading of the information and analytical capability available to the Department of Political Affairs for these and related purposes.

The fifth priority is to rethink the system of humanitarian relief coordination. Despite advances that have been made with the creation of the Department of Humanitarian Affairs, we think some basic structural problems remain. We propose that they be addressed in a rather radical way by the creation of a new disaster response agency - combining the relief and basic rehabilitation functions of the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the World Food Programme - which would work directly with the suggested Deputy Secretary-General for Humanitarian Affairs.

The sixth priority, as we see it, is to take various steps to raise the profile within the United Nations system of peace-building. This is the point of intersection between the peace and security role of the United Nations and its economic and social role, and it should be given recognition and emphasis as such. The pursuit of peace and security has to include the satisfaction of basic human needs as well as the direct prevention, containment and settlement of armed conflict. Much of the United Nations system is, in fact, concerned with peace-building in the form of activities such as the making of international law, disarmament, economic and social advancement, sustainable development, democratization and institution-building. But much more can be done, organizationally, to link these activities together, recognize their security significance and ensure that they are pursued with a sense of common purpose.

The remaining priority, a very large subject in itself, is to regenerate the Security Council - not because it is now working ineffectively, but because its manifest lack of representativeness is beginning to have an impact on its legitimacy. The Security Council is the linchpin of the whole United Nations peace and security system, and it is

in no one's interest that its credibility should be allowed to erode gradually. The outstanding questions about the size and shape of the Council should certainly be resolved by the time of the fiftieth anniversary of the United Nations, in 1995. Indeed, this remains an ideal target date for the achievement of a whole range of necessary organizational reforms.

Our survival in the 1990s and beyond will depend on our developing a new understanding of what constitutes security and what contributes to it. It will depend on our capacity to think clearly about how to react to new security problems as they arise. It will depend on us all developing and sustaining habits of dialogue and a real commitment to cooperating for peace. And it is through peace that we shall be able to make headway with regard to the urgent need for development in all its many dimensions.

The attainment of peace, development and democracy will also, though, depend on our willingness to rethink and reshape our institutions, particularly the United Nations, so that they can cope with the new realities. The Australian proposals are offered in this constructive spirit.

The Secretary-General's report clearly reflects his commitment to meeting the challenges posed by these new realities. He acknowledges in his introduction that the renaissance of the United Nations remains in question and that the international community stands at a turning-point. Thus, his report is a stimulus to greater realism, engagement, effort and political creativity. We should all work with the Secretary-General to achieve the realization of that objective, which we all share, of a more stable world order through a stronger and more effective United Nations.

Mr. YASSIN (Sudan) *(interpretation from Arabic)*: In discussing the Secretary-General's report (A/48/1) dated 10 September 1993, which covers the period between the forty-seventh and the forty-eighth sessions of the General Assembly, we must commend the report. Unlike the reports of previous years, it is quite long - the longest and most detailed document on the work of the Organization over 12 months. It covers many vital points of interest to the international community in the areas of development and the achievement of international peace and security.

It is not our intention to deal with this significant document analytically. My delegation may find an opportunity to deal with some of its aspects at length in the General Assembly's competent Committees. However, it may be appropriate here to deal briefly with some of the aspects covered by the report together with those aspects which relate directly to Sudan.

We associate ourselves with the Secretary-General's idea expressed in part III of the report, "Developing the global community", that we must stop and reflect on this important issue that is so vital to all human societies. It has to do with global development activities, operational activities for development, regional development activities and human rights.

We agree with the premise that human development in its social and economic dimensions is the essential foundation of all global development efforts. We look forward to the Secretary-General's initiative on an agenda for development, and hope that it will set the guidelines for the Organization's work in the future in both the economic and the social fields.

One of the reasons which led to the emergence of social and economic hotbeds of tension in the developing world has been the neglect of development in those two major areas. While most of the countries of the developing world have liberated themselves from colonialist domination, they are still in thrall to unfair economic and commercial and monetary systems. They have been calling, through their regional institutions, for activating the North/South dialogue and for alleviating the debt burden that has broken their backs and deprived them of the ability to achieve economic growth and prosperity. The developed countries have to abandon their conditions within the framework of bilateral economic and monetary cooperation and to embark upon collective multilateral negotiations. We seek a suitable mechanism that would make it possible to achieve this end. Having said this, we must state that there can be no development for the countries of the developing world unless they are enabled to acquire modern technology and to acquaint themselves with the scientific methods of development. This is a matter we hope the Secretary-General's development programme will touch upon.

As regards Agenda 21, Sudan, in its regional context, has cooperated fully and has provided all the environmental studies that could contribute to this great humanitarian effort aimed at sparing the world grave environmental disasters. Despite the close cooperation between Sudan and the United Nations Environment Programme, we are still eager to have further cooperation in the field of environmental law and in completing the establishment of our environmental institutions so that we may be able to implement the recommendations of the

Earth Summit in Rio, especially in the field of combating drought and decertification.

It may be fitting here to refer to the pioneering role that the Intergovernmental Authority on Drought and Development (IGADD) could play in the field of combating decertification, drought and the monitoring of environmental disasters if it is provided with the adequate funding and technical support it requires for the important projects it has submitted and continues to submit to the donor country in order for them to consider the possibility of providing the necessary funding. The Authority can play a significant role that would complement the efforts of the competent United Nations agencies in preventing the catastrophes that may overwhelm the Horn of Africa and Eastern Africa. From this rostrum, we call for all possible support to that Authority and invite all United Nations agencies to extend to it the close cooperation it needs. We look forward to participating effectively in the World Summit for Social Development, scheduled for 1995 in Copenhagen, as it is intended to deal with issues that have a direct bearing on the developing world. In the same spirit, we look forward to participating in the Fourth World Conference on Women, scheduled for 1995 in Beijing, as we expect the Conference to focus on the importance of the pioneering role of women in developing human societies and because we are convinced that the achievements of women since the Third World Conference on Women, held in Nairobi in 1985, will encourage us to deploy efforts towards the advancement of women.

As regards the activities of the United Nations Children's Fund (UNICEF) mentioned in the report, it behoves us here to commend the close cooperation by this programme with the Government of Sudan in many areas, including those of expanded immunization, oral rehydration therapy, provision of fresh water and health services for mothers and children, a matter which has led to a fall in infant and mother mortality rates. UNICEF also works in concert with the Government of Sudan in combating the guinea-worm disease and in dealing with the imbalances that result from iodine deficiency.

Given the importance my country attaches to mothers' and children's health, a high council for child health care under the personal supervision of the Head of the State has been established. Also, a giant Ministry of Social Planning has been established with a view to promoting the welfare of Sudanese citizens in every respect.

As for the United Nations Development Programme (UNDP) we commend Mr. Speth, the Administrator of the programme which is of great importance to us in the developing countries. However, alleviating the intensity of poverty, the management of development, the environment and natural resources, enhancing the role of women in development, ensuring technical cooperation and harnessing science and technology in the service of development are objectives which cannot be achieved except by increasing the Programme's technical and financial capabilities. We look forward to further efforts by this important Programme and closer cooperation with other United Nations specialized agencies as well as with international and regional financial institutions.

Once peace is established in Sudan, we look forward to increased cooperation with the Programme in the repatriation of displaced persons and refugees and the rebuilding of all that has been devastated by war. We wish to restore the social fabric in the South and to enable the citizens there to return to normal life and to obtain their basic needs.

We wish to express our full appreciation for the remarks in the report of the Secretary-General concerning the United Nations Fund for Population Activities (UNFPA) because of its assistance in implementing our plan aimed at linking the priorities of our national development policies to population activities. We have received appropriate assistance in formulating the plans of the last census in the country.

Within the framework of our cooperation with the World Food Programme (WFP) as contained in the report of the Secretary-General, Sudan offered 153,000 tonnes of grain to the World Food Programme to be distributed to all the needy in the country, especially in the southern part. Ninety thousand tonnes have been distributed but we have not been able to deliver the remainder. We hope that countries and institutions in a position to do so will help us meet our commitments by providing land, river and air transport facilities.

The chapter that we mentioned deals with many of the activities by several agencies and organizations. The limits of time make it difficult to enumerate those activities. However, we are sure that those organizations and agencies have discharged their mandates.

We share with the international community the great interest it takes in human rights issues. We thank the Secretary-General for his keen interest in that area and hope that he will be able to build the necessary institutions to deal with human rights. We have participated effectively in the Vienna World Conference on Human Rights. We have warned and continue to warn against

selectivity and double standards when applying human rights standards. Human rights are fundamental and should not be politicized. Also, the right to development is an inherent human right.

As regards the establishment of the post of a high commissioner for human rights, it may be necessary for this session and the working groups of the relevant Committees in focusing on the principle of establishing such a post to focus on the parameters of the mandate and sphere of competence of that important post, as well as on the necessary consensus which we hope will be achieved on this issue.

As for the fourth chapter concerning preventive diplomacy, humanitarian assistance and conflict resolution, we hope that "An Agenda for Peace" will be organically linked to the development programme proposed by the Secretary-General. In this regard, we associate ourselves with those who have spoken before us about the activities of the Security Council which have intensified recently. We hope that the Security Council will take it upon itself to implement its resolutions in a balanced manner that avoids discrimination. We hope that the General Assembly will be a genuine partner in the making of resolutions relating to international peace and security. Preventive diplomacy and conflict resolution cannot be practiced unless they are pursued in full cooperation with regional organizations. Peace cannot be preserved and maintained without removing the causes of national and regional conflicts with all their social and economic aspects. We cannot but pay tribute to the Organization of African Unity (OAU) which has been able to contain numerous conflicts in Africa, and hope that other regional organizations will follow suit.

The turmoil in Bosnia and Herzegovina cannot be considered by any yardstick as one of the successes of preventive diplomacy. Having said that, we command, from this rostrum, United Nations successes in Cambodia and El Salvador while calling for a complete revision of its role in Somalia, especially with regard to departures from their mandates by United Nations forces in that country.

My delegation wishes to refer here, in particular, to paragraphs 492 and 493 of the report which relate directly to current events in Sudan. I wish to commend in this respect the report's highlighting of the many efforts deployed by my country with the aim of ensuring delivery of humanitarian relief to all citizens without any discrimination whatever, wherever they may be, including the areas of rebellion and military operations. This is a precedent and model to be presented to the international community, represented by Operation Lifeline and the ensuing agreements between the United Nations, international non-governmental and voluntary organizations, as well as the rebellion movement, with all its various factions in December 1992 and 1993, and with the International Committee of the Red Cross (ICRC) in March 1993.

While we consider paragraph 493 of the report on the Sudan to be positive on the whole, we notice that it does not refer with enough clarity to the mission of Ambassador Traxler or to the reasons of my Government's reservations, at first, on that mission. My country's position stemmed from the fact that the framework of Ambassador Traxler's task had not been defined in an unambiguous manner and that it was reported that the mission had political dimensions which encroached upon our national sovereignty as it was defined without prior consultation with my Government. When the purely humanitarian framework of the mission was clarified, my country welcomed it and hospitably received the Ambassador, thus ensuring the full success of the mission and the achievement of its objectives.

Sudan, in line with its ethical and cultural beliefs, has always been faithful to the donors of assistance to its people. Therefore, the contents of paragraph 482 of the report which mentions the murder of United Nations staff who worked in humanitarian programmes are indeed a source of sorrow to us. However, the report has remained silent with regard to the parity that perpetrated this evil deed, namely the rebellion movement which has assassinated four relief workers and launched numerous attacks on relief craft, thus turning this humanitarian effort into a weapon which it uses to starve and coerce the innocent into joining its ranks.

I wish also to refer to paragraph 488 of the report which dealt with human suffering in a number of countries, including the Sudan.

My country absolutely believes the current conflict in southern Sudan cannot be resolved militarily but must be resolved through genuinely peace-oriented negotiations. We call upon the international community to give its blessings to the efforts of the Sudan Government in this respect. By the same token, those circles that lend material, moral or political support to the rebellion in southern Sudan should desist from doing so in order to put an end to the human suffering in the areas of conflict and since such support constitutes interference in my country's internal affairs.

Sudan has welcomed all initiatives by the leaders of Kenya, Uganda and Nigeria and by international personages such as the former United States President Mr. Carter. Sudan has also welcomed the recent initiatives of Presidents Moi, Museveni, Zenawi and Afwerki of Kenya, Uganda, Ethiopia and Eritrea respectively aimed at reaching a peaceful solution to the conflict in southern Sudan through negotiations and at breaking the present deadlock. In this spirit we maintain that the international community is duty bound to observe the principles of the Charter and international law in order to promote the peace efforts in Sudan and to refrain from taking measures that would contribute, in one way or another, to impeding the achievement of this objective.

Mr. PIRIZ BALLON (Uruguay) *(interpretation from Spanish)*: We should like first of all to express our congratulations to the Secretary-General on the report (A/48/1) he has submitted to us on the work of the Organization. We admire the exhaustive information he has given us and appreciate his deep analysis of the problems confronting the Organization, problems that reflect the very complex reality the international community must face.

That objective reality is not fundamentally the result of anything the Organization, its Members or its leaders and administration - that is, the Secretariat - have done or have failed to do. The reality - the world situation in which we live today - is the result of the collapse of an unjust political order that has not been replaced by the new order of peace and equity that all the peoples of the world had hoped for. The resulting disorder manifests itself in xenophobia, racism, historical resentments, political intolerance, tribal conflicts and so on. Nor has there been any lack of illegitimate political ambitions on the part of individuals, nations and clans that, taking advantage of chaotic conditions, seek to gain ascendancy through force and violence.

We all recognize that the background and, in large part, the primary cause of these ills is the influence of economic and social factors that affect developing countries in particular. In this regard, the Secretary-General's report points out quite rightly the linkage between peace and development, and we eagerly look forward to the submission of the report on an agenda for development.

In the face of the potentially apocalyptic state of affairs we have just described, this question arises: who, what forces or what centres of power will be able to impose order? Equally important is the question of how a new system of international relations can be created and what form it will take, a system whose principles and norms reaffirm the concept of States while also recognizing the intrinsic rights of human beings. There seems to be no Power or alliance of Powers in the world that is willing and materially able to exercise its authority unilaterally, and let us be thankful for that. What is more, certain isolationist tendencies can be perceived. Apparently - and we should like to believe it to be so - the fruit of the advances made in international ethics is the preference for achieving a new order based on multilateral, participatory action, though our hope is tempered by the evidence that, while all States are equal, some are more equal than others.

However, there is a consensus that on the basis of participatory multilateralism it must be the United Nations that carries out the laborious task of establishing an order that is politically acceptable to all and that at the same time aims at solving urgent economic and social problems. If we decide to assign this crucial role to the United Nations, we must recognize that the first priority must be to put out the fires, to halt, contain or at least mitigate conflicts. At the same time, we shall have to act effectively and swiftly to attack the underlying causes of many of these tragedies: underdevelopment, dire poverty and the unjust order that prevails in the economic and trade relations between nations.

Obviously, in order to take up such a formidable challenge we need to strengthen the United Nations and make sure that we do not thereby trample on inviolable principles such as the sovereignty of States, non-intervention and the self-determination of peoples. Strengthening the United Nations within these terms means faithfully interpreting the Charter as regards the allocation of competencies among the various organs of the system.

In this context we must also strengthen the Secretariat's capacity for taking initiatives and expressing views, but not of taking decisions. In this connection, my country has from the outset paid tribute to the Secretary-General for his proposals in "An Agenda for Peace". In addition, for reasons of urgency, many of the initiatives suggested therein have been implemented in the course of events through action by the Security Council and in most cases with the tacit or express approval of the General Assembly or the Member States.

If we are to judge the Secretariat's performance, let us not beat around the bush: we would excuse certain errors that may have been committed, but what we would not excuse is the inertia of a body under the control of

Member States that is asked, in view of the urgency of the situation, to produce concrete ideas and suggestions.

In that regard we believe that the strengthening of the Organization must lead to greater effectiveness in the execution of the mandates entrusted to the Secretary-General. For this reason, in the case of interim offices, though we fully share the position of the Group of 77 that such offices must never assume political functions, we recognize as quite valid the desire to impose greater coordination and effectiveness on operational activities, in keeping with General Assembly resolution 47/199. This subject could also be dealt with in the context of the questions related to the process of restructuring the economic and social system. In any case, such an approach would help to clear up misunderstandings and ease concerns regarding the character and competencies of those offices.

In summary, this and other subjects and ideas dealt with in the Secretary-General's report deserve our Government's special attention. We are prepared to consider them and their adoption so long as, in the General Assembly and other bodies, we have removed certain elements in which, for the sake of pragmatism and effectiveness, the constitutional authority of the Secretariat may be exceeded. This is the very criterion we apply when examining the paragraphs on preventive diplomacy and the future of peace-keeping operations.

Uruguay believes that the net result of what has been done is unquestionably positive. Millions of people all across the world can bear witness to the effective action of the Organization, and Uruguay is very proud to take part in this collective enterprise.

We regard peace-keeping operations as an element in the political settlement of a given conflict through the creation of a climate of stability. Obviously, however, they are not appropriate to every crisis.

What, then, are the prerequisites for the deployment of a peace-keeping force?

In our opinion, the first is strict compliance with the principles of international law, as enshrined in the Charter - in particular, the peaceful settlement of dispute, non-intervention in internal affairs, and the self-determination of peoples.

The second prerequisite is the existence of a viable, precise and well articulated mandate, providing, so far as possible, a realistic timetable - something that requires a Security Council decision based on reliable information. We are very happy to note the steady improvement in the formulation of peace plans and the tendency to approve very clearly defined mandates. Similarly, we warmly welcome the increase in the planning capacity of the Secretariat, which should be manifested in expansion of the Department of Peace-keeping Operations.

The third important factor is unified command and control by the Secretary-General, under the political supervision of the Security Council. Strict implementation of this principle is essential to the success of any operation. Unified command must be scrupulously respected.

Fourthly, the safety of personnel - military or civilian - involved in operations must, so far as possible, be guaranteed. In this respect, we welcome the recent Security Council resolution on the subject and General Assembly resolution 47/120 B. We support the initiative of New Zealand and Ukraine in proposing that the Sixth Committee discuss the preparation of a draft convention on the security of personnel.

Fifthly, there must be adequate financing. This will necessitate careful supervision of the budget and of the conduct of the operation and a renewed formal commitment by countries to pay their contributions fully and on time.

The sixth requirement is the non-use of force. Action under Chapter VII of the Charter or operations with broad mandates, in what might be called the grey area - including the imposition of sanctions and the use of force - should be undertaken only after the failure of political measures as provided for in Chapter VI.

Faced with the crises in Somalia, Haiti and Bosnia, people yield easily to frustration and to the temptation to indulge in criticism of United Nations actions. We do not believe that the Organization is above criticism. On the contrary, we are quite prepared to make whatever contribution we can to its improvement. However, before engaging in blind, emotional criticism, we must give some thought to the fact that the United Nations is only the sum of its Members. Thus, we are all bound to its successes and its failures. In varying degrees, but collectively, we are all responsible for the fruits of the labours of the Organization.

Mr. MISHRA (Nepal): The Secretary-General has described his annual report to the General Assembly as the longest for many years. My delegation greatly appreciates

his comprehensive overview of the activities of the United Nations during the past year.

The issues dealt with in the report relate to several major items before the General Assembly at the current session. My delegation will deal with them as appropriate when the relevant agenda items are taken up at plenary meetings or at meetings of the Main Committees. I have in mind, in particular, the Secretary-General's views with regard to peace-keeping operations. At this stage, I wish to make a few general observations.

My delegation shares the Secretary-General's opinion that the United Nations has a central role to play in advancing peace, security and development. In this context, I wish to refer to the address given by the Prime Minister of Nepal last Wednesday, in the course of the general debate. The Prime Minister said that bridging the gap between the developed and the developing countries is an integral part of the efforts to strengthen world peace and security. He said also that the current climate in international relations presents an opportunity to reactivate North-South dialogue and to enhance South-South cooperation. With this expectation, my delegation looks forward to the Secretary-General's agenda for development, which, we trust, will provide firm ground for an exchange of views on a framework for concrete action to promote international cooperation for development.

The delegation of Nepal agrees with the Secretary-General that it is important to promote democracy in all aspects of international relations - particularly within the United Nations system. In this exercise, the General Assembly occupies one of the most important positions. Together with fellow members of the Non-Aligned Movement, Nepal has supported the proposals aimed at revitalizing the General Assembly. We are pleased that you, Mr. President, intend to continue this process during the current session.

On the question of strengthening the United Nations, it is important that action be taken to ensure that the Security Council is representative in character and that there is transparency in its activities. We have communicated to the Secretary-General our views on the composition of the Council. My delegation looks forward to a more detailed discussion of this question later in the session.

My delegation will provide all possible support for the Secretary-General's efforts to streamline the Secretariat and the Organization's presence in the field. We understand that the Secretary-General is motivated by the desire to increase efficiency and cost-effectiveness. Nepal, as a least-developed country, values the multilateral assistance for its development efforts. My delegation therefore emphasizes that restructuring and streamlining should not be at the cost of the loss of programmes and projects for development.

The report of the Secretary-General, "An Agenda for Peace", was the subject of extensive discussions during the forty-seventh session. The General Assembly has adopted two important resolutions dealing with various proposals of the Secretary-General. My delegation believes that the concepts and proposals in "An Agenda for Peace" are evolutionary. This is an ongoing process, and my delegation is ready to cooperate in further discussions.

The PRESIDENT: A number of delegations have asked to speak in exercise of the right of reply, and I shall call on them now.

Mr. ANSARI (India): My delegation asked to speak at this late hour only on account of the remarks relating to my country in the statement on this agenda item by the representative of Pakistan. My Government has taken note of the paragraph on India and Pakistan in the Secretary-General's report to the General Assembly. It appreciates his reference to the Simla Agreement and to the commitment therein of the two sides to resolve the issues peacefully, through negotiations.

The Government of India reaffirms its belief that such negotiations should be conducted bilaterally, in the letter and spirit of the Simla Agreement, and without external interference, and calls upon the Government of Pakistan to eschew the path of violence and terrorism and revert to the Simla process for resolving bilateral issues, in the larger interests of the peoples of the two countries.

My delegation has noted with surprise and dismay the effort by the delegation of Pakistan in the General Assembly deliberately to engineer an atmosphere of crisis. It is our apprehension that the purpose is to avoid bilateral discussions. That apprehension seems to be confirmed by the language used by representatives of Pakistan in briefing foreign Governments on the subject. One sentence reads:

> "The present Government of Pakistan is fully capable of conducting talks. However, we are not anxious for talks with India".

Members may wish to note the expression used: "capable", but not "anxious".

I submit that the unwillingness is because Pakistan has opted for the paths of subversion, terrorism and hostile propaganda against India as its principal instruments of policy. Each of those violates the bilateral agreements referred to by the Secretary-General in paragraph 352 of his report.

The PRESIDENT: I would appeal to representatives to be as brief as possible, as the hour is late.

Mr. KHAN (Pakistan): I shall be as brief as possible, keeping in mind the statement of the Indian representative.

First, I note with satisfaction that the Indian Government has at least taken note of the relevant paragraph in the Secretary-General's report. That is heartening. But what followed was very disheartening. Yes, there is a Simla Agreement between Pakistan and India. The Simla Agreement does not preclude discussion or deliberation of this issue in international forums. There are Security Council resolutions - numerous Security Council resolutions - which mandate that the final disposition of the Jammu and Kashmir dispute should be in accordance with the wishes of the people, through a free and impartial plebiscite under the auspices of the United Nations. So the Simla Agreement is not restrictive. As a matter of fact, it was one of the efforts made by Pakistan in good faith to solve this problem.

I would also like to point out that the Simla Agreement was signed in 1972. Twenty-one years have passed. Has India once, just once, seriously proposed discussing the Jammu and Kashmir issue under the Simla Agreement? Yes, it has been making statements to the press; it has been using it for propaganda purposes; but has it ever discussed or proposed discussing this issue under the Simla Agreement? Pakistan has indeed proposed discussing this issue under the Simla Agreement, but India rejected that overture from Pakistan.

Another allegation: We should "eschew terrorism". Well, we are not indulging in terrorism. It is India which is indulging in the worst kind of terrorism, the kind called State terrorism. And it is suppressing and subjugating a territory which does not belong to it. That territory is under its unlawful occupation, as recognized by the United Nations, as recognized by the international community - as recognized by India itself. It should read the Security Council documents again: it should also go back and read the resolution of 5 January 1949 which solemnizes the agreement between Pakistan and India to make all necessary arrangements for holding a free and impartial plebiscite. Where has that commitment gone? Are Indians becoming a victim of growing amnesia? Are they forgetting their commitments? Or is this a deliberate tactic to confuse international opinion?

They are surprised and dismayed that what Pakistan is doing is "engineering". But it is not "engineering"; it is a call from Pakistan, and it is our right to make that call, in the light of what is happening in Kashmir, the gruesome tragedy that is taking place in Kashmir. Some 40,000 people have been killed; women have been raped by security forces with impunity - in certain cases with wantonness - as a part of their well-conceived strategy to terrorize people into submission. Is this being "engineered" by Pakistan? If anybody is the author of the situation, it is India, not Pakistan.

Then they say that Pakistan has said, in one of its non-papers, which were circulated, that Pakistan's present Government is fully capable of, but is not interested in, dialogue with India. Well, they must read their own non-paper, which preceded our non-paper; in it, they said that Pakistan had an interim Government and that therefore it was not appropriate for India to enter into negotiations with that Government. We clarified the fact that our interim Government, like all other Governments, is competent to take up this issue.

Then they talk about "subversion and terrorism". For God's sake, we must be honest about this. The worst practices of terrorism are committed by India itself. I have the facts and figures, but because of the lateness of the hour I will not go into them. But I can enumerate 20 training camps concentrated along the Pakistan-India border, which are training terrorists and sending them across to Pakistan. They have been involved in 101 terrorist activities: bomb explosions, arson. What they are doing in Kashmir they also want to do in Pakistan.

The PRESIDENT: We are well beyond the closing time, but the representative of India wishes to speak again. I call on him, with the appeal that he, too, be as brief as possible.

Mr. ANSARI (India): Thank you, Sir. I do not know the punishment in criminal law for the offence of flogging, but that is what the delegation of Pakistan have inflicted on this Assembly. They flog an argument without sustaining it. They indulge in what logicians call systematically misleading expressions.

They tell us not the time and date on which the Government of Pakistan implemented part II A of the resolution adopted on 13 August 1948 by the United

Nations Commission for India and Pakistan (UNCIP) - a resolution so often and so selectively cited by them. They explain not how part III of the same resolution could ever have been implemented without the completion of the total withdrawal of Pakistani troops from Jammu and Kashmir, as stipulated in part II. They reveal not how the pulsation of time and space, and the movement of the chariot of history itself, could have been stalled.

Above all, they explain not the annexation to Pakistan of a part of Jammu and Kashmir known as the Northern Areas, for which they were indicted by one of their own high courts very recently - in March this year. They admit not their own culpability and tax, instead, the credulity of this Assembly. They do take too much for granted.

The PRESIDENT: The representative of Pakistan wishes to speak in exercise of the right of reply. I call on him, and appeal to him to be brief.

Mr. KHAN (Pakistan): The Assembly must have been impressed by the sophistry of the Indian representative's presentation, but not by the strength of his argument, because the allegation that Pakistan was somehow responsible for the non-implementation of the UNCIP resolution in question is false and unsubstantiated.

Let me remind the representative of India that the question of demilitarization applied to Jammu and Kashmir territory as a whole and not to Azad Jammu and Kashmir alone. Pakistan did comply with the provisions spelled out in the Security Council resolutions, but when the time came for the withdrawal of Indian forces, India wriggled out of its commitment, offering many excuses. Sir Owen Dixon, the United Nations Mediator, was constrained to report that India was insisting on conditions that made the holding of a free and impartial plebiscite impossible.

India also frustrated the efforts of Mr. Graham, the successor of Sir Owen Dixon, aimed at the withdrawal of the bulk of Indian forces. India was not interested in a plebiscite and it was determined to hold on to Kashmir. Towards the end of 1950, India, in contravention of the Security Council resolutions, took steps towards the total integration of Kashmir by convening the so-called Constituent Assembly. Thus, right from the beginning it was India that stalled the implementation of the Security Council resolutions by turning down all proposals for the demilitarization of Jammu and Kashmir, which would have paved the way for a plebiscite.

As for the Northern Areas, I would like to tell the representative of India and this Assembly that the Northern Areas have not been annexed to Azad Kashmir or to Pakistan. As a matter of fact, they have a special status. We are ready for a plebiscite today, and we are ready to make appropriate administrative arrangements as and when defined by the Security Council, if India is ready.

The representative of India's reference to the High Court judgement is out of context and has no bearing on the question of the holding of a plebiscite in the whole of Kashmir. Are they trying to suggest that the right of self-determination is to be exercised only in Azad Kashmir, in one part of Pakistan, and that India is not going to allow it to be exercised in occupied Kashmir? This is illogical, to say the least.

The PRESIDENT: It is customary for the Assembly to take note of the annual report of the Secretary-General on the work of the Organization. If I hear no objection, may I consider that the Assembly wishes to take note of the report?

It was so decided.

The PRESIDENT: We have thus concluded this stage of our consideration of agenda item 10.

The meeting rose at 1.45 p.m.